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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,738	03/29/2000	Nadeepuram Kuppanna Ranganathan	11-1	7052

7590 01/23/2003

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EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,738

Applicant(s)

RANGANATHAN ET AL.

Examiner

Judy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/7/03 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Preszler (US 5,293,913).

Preszler discloses, in a system used in a printer:

- a container (bottle 16),

- a first coupling component (cover 22) of a duplex coupler (including fitting 26 with tube 18 connected thereto in addition to the aforementioned cover 22),
- a reservoir (tank 14),
- a complementary second coupling component (fitting 26 with tube 18 connected thereto) of the duplex coupler formed to the reservoir (as indicated in Figs. 3 and 4),
- the first coupling component being configured to mate (by screw connection) with the second coupling component of the reservoir (14), so as to mitigate leakage of ink (leakage is mitigated by not allowing ink to drain into the tank until screwing the bottle 16, having the cover 22 thereon, onto the fitting 26; see column 4, lines 14-16 and column 4, lines 40-42),
- the printer being an ink jet printer (anticipated in that the printer may be any printer requiring inks, as indicated in column 1, lines 61-63 and column 2, lines 5255, where reference is made to "proper placement of inks into the proper plumbing system of printers such as electrophotographic machines", clearly indicating that the printer is not limited to an electrophotographic machine, but may be any ink printer).
- first coupling component (22) configured to be at least partially inserted into the second coupling component (fitting 26 with tube 18 connected thereto) (threaded neck 44 of cover 22 is inserted into fitting 26 by being screwed thereinto),
- first coupling component (22) is configured so as to facilitate a flow of ink therethrough when the reservoir is formed so as to have a base which is

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substantially flat where ink enters the reservoir (configuration of the cover 22 facilitates ink flow therethrough regardless of the shape of a base where ink enters the reservoir, and, consequently facilitates ink flow therethrough when the reservoir is formed so as to have a base which is substantially flat where ink enters the reservoir),

- the steps of the claimed method are deemed to be clearly anticipated in view of the provision by Preszler of the structure discussed above as disclosed by Preszler and facilitating flow by the screwing of the bottle 16, having the cover 22 thereon, onto the fitting 26; see column 4, lines 14-16 and column 4, lines 40-42).

Response to Arguments

Applicant's arguments filed 1/7/03 have been fully considered but they are not persuasive. Applicant basically argues that the cited reference does not disclose the use of a duplex coupler. First, it is noted that the use upon which applicant relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, even if the intended use of the claimed invention were recited, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. It is noted that applicant has not pointed out what different between the

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prior art and the claimed invention. Applicant only points out the different between the prior art and what in the specification. Finally, applicant concludes that a poppet is an inherent part of a duplex valve. However, it is noted that the claims do not include any valve and applicant has not provided a basis in fact and/or technical reasoning to reasonably support that a duplex valve **must have a poppet** and therefore inherent part of the duplex valve.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (703) 305-7062. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Judy Nguyen
Primary Examiner
January 17, 2003